

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

RETRACTABLE TECHNOLOGIES, INC.

Plaintiff,

vs.

**OCCUPATIONAL & MEDICAL
INNOVATIONS, LTD.**

Defendant.

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CASE NO. 6:08 CV 120

ORDER

As stated at the pretrial hearing on November 19, 2009, the Court **DENIES** as moot Occupational & Medical Innovations, Ltd.'s ("OMI") Motion to Compel Plaintiff to Provide Complete Response to Interrogatory No. 18 Regarding Retractable Technologies, Inc.'s ("RTI") Trade Secret Claims (Docket No. 112), **GRANTS** OMI's Motion for Leave to File 3rd Amended Answer, Affirmative Defenses, and Counterclaims (Docket No. 119), **DENIES** OMI's Motion to Exclude Certain Testimony of Neil Sheehan (Docket No. 136), **DENIES** OMI's Motion to Exclude Certain Testimony of William A. Hyman (Docket No. 137), **DENIES** OMI's Motion to Strike Supplemental List of Documents Considered by Neil Sheehan (Docket No. 164), **DENIES** OMI's Objections and Motion to Strike Declaration of Dr. William A. Hyman in Support of RTI's Opposition to OMI's Motion for Summary Judgment on Non-Patent Claims (Docket No. 182), **DENIES** OMI's Motion for Partial Summary Judgment on RTI's Claims of Trade Secret Misappropriation, Conversion, and Interference with Contractual Relationship, Each of Which is Barred by the Statute of Limitations (Docket No. 53), **GRANTS** RTI's Motion for Leave to file 1st

Amended Complaint (Docket No. 80), **DENIES** as moot OMI's Motion to Partially Strike RTI's Surreply to OMI's Motion for Partial Summary Judgment (Docket No. 96), and **DENIES** OMI's Motion for Partial Summary Judgment on Non-Patent Claims (Docket No. 138).

The Court further **DENIES** OMI's Motion for Partial Summary Judgment of No Willful Infringement (Docket No. 139) and **DENIES** OMI's Motion for Partial Summary Judgment of Non-Infringement (Docket No. 140).

The Court **CARRIES** RTI's Motions in Limine (Docket No. 173) and **CARRIES** OMI's Motions in Limine (Docket No. 176). The Court **ORDERS** the parties to meet and confer on all motions in limine and notify the Court of any issues that need to be resolved by December 3, 2009. If the parties cannot resolve all the issues, the Court will hear them before jury selection on December 7, 2009.

The Court **ORDERS** the parties to meet and confer and submit proposed Findings of Fact and Conclusions of Law for all bench trial issues before the trial begins. The Court **ORDERS** the parties to meet and confer and submit a list of Bench-trial issues to be decided in question form, much like a verdict form. The Court **ORDERS** the parties to meet and confer on the Court's Charge and submit a proposed Charge to the Court by December 9, 2009. The parties shall file the proposed Findings of Fact and Conclusions of Law, list of Bench-trial issues, and proposed Charge and shall email them in WordPerfect to Kat_Li@txed.uscourts.gov.

Finally, the Court will allow the parties 30 minutes for voir dire, 40 minutes for opening statements, 12 hours for direct and cross examinations, and 60 minutes for closing arguments. The 12 hours includes issues that are tried to the Bench.

So ORDERED and SIGNED this 19th day of November, 2009.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**